

# Civil Enforcement Case Report

## Civil Enforcement Case

### Basic Information

**Case Number:** 07-2018-0190  
**Case Name:** SMITHFIELD FRESH MEATS CORP  
**Case Category:** Administrative - Formal  
**Case Status (as of 08/16/2018):** Closed  
**Case Lead:** EPA  
**Court Docket Number:** CWA-07-2018-0190  
**DOJ Docket Number:** --

**Relief Sought:** Penalty  
**Enforcement Outcome:** Final Order With Penalty  
**Headquarters Division:** --  
**Branch:** --  
**Result of Voluntary Disclosure?** No  
**Multi-media Case?** --  
**Enforcement Type:** CWA 309G2B AO For Class II Penalties  
**Violations:** Stormwater Overflows, Violation Of A Permit Requirement

### Penalties – Case Level

**Total Federal Penalty Assessed or Agreed To:** \$58,030  
**Total State/Local Penalty Assessed:** \$0  
**Total SEP Cost:** \$0  
**Total Compliance Action Cost:** \$13,296  
**Total Cost Recovery:** \$0

### Case Summary

Respondent violated the requirements of its General Permit for Stormwater Discharges Related to Industrial Activity (Permit No. NER900138) and had an unauthorized discharge of pollutants from its facility into the waters of the United States, in violation of Sections 301 and 402 of the Clean Water Act. Respondent failed to develop an adequate stormwater pollution prevention plan, failed to implement appropriate stormwater good housekeeping control measures, failed to perform required monitoring, failed to take corrective measures to address benchmark monitoring exceedances, and released non-stormwater from operations at an animal unloading area of its facility through a defective valve on a flood control bypass line.

### Laws and Sections

| Law | Sections | Programs                |
|-----|----------|-------------------------|
| CWA | 301/402  | NPDES Permit Violations |

### Citations

| Title                    | Part | Section |
|--------------------------|------|---------|
| No data records returned |      |         |

### Facilities

| FRS Number | Facility Name | Address | City Name | State | Zip | SIC Codes | NAIC Codes |
|------------|---------------|---------|-----------|-------|-----|-----------|------------|
|------------|---------------|---------|-----------|-------|-----|-----------|------------|

| FRS Number   | Facility Name                  | Address          | City Name | State | Zip   | SIC Codes | NAIC Codes |
|--------------|--------------------------------|------------------|-----------|-------|-------|-----------|------------|
| 110064150449 | SMITHFIELD FARMLAND CORP-CRETE | 2223 COUNTY RD I | CRETE     | NE    | 68333 | 20115421  | 311611     |

**Defendants**

| Defendants and Settlements  | In Complaint | In Settlement |
|-----------------------------|--------------|---------------|
| SMITHFIELD FRESH MEATS CORP | Y            | Y             |

**Related Case Documents**

| Document                 | Facility Name | Publish Date | EPA Program |
|--------------------------|---------------|--------------|-------------|
| No data records returned |               |              |             |

**Case Milestones**

| Event                           | Actual Date |
|---------------------------------|-------------|
| Final Order Issued              | 07/26/2018  |
| Complaint Filed/Proposed Order  | 07/26/2018  |
| Enforcement Action Data Entered | 07/30/2018  |
| Compliance Achieved             | 08/16/2018  |
| Pipeline Closed                 | 08/16/2018  |
| Enforcement Action Closed       | 08/16/2018  |

**Pollutants**

| Pollutant Name               | Chemical Abstract Number |
|------------------------------|--------------------------|
| 5-Day sum of BOD5 discharged | --                       |
| Chemical oxygen demand [COD] | --                       |
| Nitrate                      | 14797558                 |
| Solids, total suspended      | --                       |

**Related Activities**

| Description              | Actual Date |
|--------------------------|-------------|
| No data records returned |             |

**Final Order 1**

**Final Order Type:** Administrative Penalty Order With or Without Injunctive Relief  
**Final Order Name:** SMITHFIELD FRESH MEATS CORP  
**Linked Facilities (FRS ID):** 110064150449  
**Final Order Lodged Date:** --  
**Final Order Entered Date:** 07/26/2018  
**Enforcement Action Closed Date:** 08/16/2018  
**Actual Termination Date:** 08/16/2018

**Penalties/SEPs/Cost Recovery Amounts**

**Federal Penalty Assessed or Agreed To:** \$58,030  
**State/Local Penalty Assessed:** --  
**SEP Value:** --  
**Compliance Action Cost:** \$13,296  
**Federal Cost Recovery Awarded:** \$0

Complying Actions

| Complying Action ID | Category                      | Description                         |
|---------------------|-------------------------------|-------------------------------------|
| 3600031128          | Reduction of Ongoing Releases | Implement BMP: Surface Water Runoff |
| 3600031129          | Work Practices                | Stormwater Site Inspections         |
| 3600031130          | Work Practices                | Reporting                           |

Supplemental Environmental Projects

| SEP ID                   | Category | SEP Value | Description |
|--------------------------|----------|-----------|-------------|
| No data records returned |          |           |             |

Pollutant Reductions

| Resulting From   | Pollutant                    | Annual Amount | Units | Media Affected            |
|------------------|------------------------------|---------------|-------|---------------------------|
| CA ID 3600031128 | 5-Day sum of BOD5 discharged | 818           | lbs   | Water (navigable/surface) |
| CA ID 3600031128 | Nitrate                      | 209           | lbs   | Water (navigable/surface) |
| CA ID 3600031128 | Solids, total suspended      | 7,026         | lbs   | Water (navigable/surface) |
| CA ID 3600031128 | Chemical oxygen demand [COD] | 1,867         | lbs   | Water (navigable/surface) |